

Article - Family Law

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§5–338.

(a) A juvenile court may enter an order for a child's adoption under this Part III of this subtitle only if:

(1) (i) both the child's parents are dead;

(ii) an administrative, executive, or judicial body of a state or other jurisdiction has granted a governmental unit or person other than a parent the power to consent to adoption, and the unit or person consents;

(iii) parental rights have been terminated in compliance with the laws of a state or other jurisdiction, as described in § 5–305 of this subtitle; or

(iv) 1. at least one of the child's parents:

A. is represented by an attorney;

B. has had an opportunity to receive adoption counseling and guidance services; and

C. consents to the adoption:

I. in writing; or

II. knowingly and voluntarily, on the record before the juvenile court; and

2. the parent who does not consent:

A. is dead; or

B. I. despite reasonable efforts as provided in § 5–316 of this subtitle, cannot be located;

II. has not contacted the local department with custody of the child or the child for at least 180 days immediately before the filing of the petition; and

III. fails to respond to a show-cause order served under § 5-334 of this subtitle;

(2) the director of the local department with custody of the child consents; and

(3) the child:

(i) is represented by an attorney; and

(ii) 1. if at least 10 years old, consents; or

2. if under the age of 10 years, does not object.

(b) (1) (i) In this subsection, “disability” means:

1. a physical or mental impairment that substantially limits one or more of an individual’s major life activities;

2. a record of having a physical or mental impairment that substantially limits one or more of an individual’s major life activities; or

3. being regarded as having a physical or mental impairment that substantially limits one or more of an individual’s major life activities.

(ii) “Disability” shall be construed in accordance with the ADA Amendments Act of 2008, P.L. 110-325.

(2) A local department may not withhold consent for the sole reason that:

(i) the race, religion, color, or national origin of a prospective adoptive parent differs from that of the child or parent; or

(ii) a prospective adoptive parent has a disability.

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